

REMARKS

Claims 11-30 stand rejected under 35 USC §103(a) as being unpatentable over Yee in view of Hui.

Applicant respectfully traverses this rejection. As the Examiner points out, Yee discloses (in Fig. 16) transmitting two data signals. The two signals can be orthogonally polarized. However, Fig. 16 lacks a polarization control element that allows an optical multiplex signal to be feed to a polarization splitter, as recited in claim 1. The Examiner points to a “polarization controller 139” shown in Fig. 1 for this element. However, it is clear that “polarization controller 139” in Yee does not receive a multiplex signal that is a result of orthogonally polarizing the first and the second sideband modulated signals to each other, combining the first and the second sideband modulated signals. The Yee “so-called” polarization controller is used to match the polarization of a local oscillator and a tone. There is no disclosure or suggestion in Yee that polarization controller 139 can receive the optical multiplex signal recited in claim 1.

As noted in MPEP §2131, “the identical invention must be shown in complete detail as is contained in theclaim.” This clearly is not the case, since each element is not disclosed (or rendered obvious) by any specific embodiment. The Examiner is merely taking random embodiments and combining the elements to arrive at the claimed invention. This is improper.

Furthermore, the signal in Yee does not fed to an optical splitter via the polarization controller 139, in fact there is no optical splitter in the embodiment of Fig. 1.

Therefore, Applicant submits that independent claim 11 and its dependent claims are allowable.

Moreover the dependent claims further distance themselves from the prior art. For example, claim 19 recites that the first or second sideband modulated signal is delayed at the transmitting end for the purpose of decorrelation. For this element, the Examiner points to Hui reference numeral 112. However, Hui clearly teaches away from optical delay by stating that

optical delay line 112 is slow and bulky. Therefore, one of ordinary skill in the art would not have combined the optical delay line of Hui with Yee.

The Commissioner is hereby authorized to charge deposit account 02-1818 for any fees which are due and owing.

Respectfully submitted,

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